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OFFICE OF PETITIONS

In re Application of	:	
Patrick H. Weber et al	:	
Application No. 10/773,094	:	DECISION ON PETITION
Filed: February 5, 2004	:	
Attorney Docket No. 1088.166US01	:	

This is a decision on the petition, filed January 17, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.


This application was held abandoned for failure to timely respond to the Non-Final Rejection of July 5, 2006, which set a (3) month shortened statutory period for reply. Accordingly, a reply was due on or before October 5, 2006.

Petitioner states that a timely reply was mailed via certificate of mailing on January 5, 2007, which included the following papers: amendment; claims; applicant arguments and a three (3) month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated January 5, 2007, which would have rendered the reply timely if received.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Non-Final Rejection of July 5, 2006 is hereby withdrawn and the application restored to pending status.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3636 for further processing.


Irvin Dingle
Petition Examiner
Office of Petitions